

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ANDRES GARCIA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/9/2024

1:15-cr-321-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On July 9, 2024, the defendant filed a motion (the “Second Motion”) requesting that the Court grant him a sentence reduction pursuant to Amendment 821 of the Sentencing Guidelines. Dkt. No. 508. While that motion was only docketed today, the date of the defendant’s signature on the Second Motion is April 5, 2024. Second Motion at ECF p. 3.

This is not the first motion for such relief by Mr. Garcia that has been received by the Court. On April 9, 2024, another motion—this one signed on April 4, 2024—was filed in this case. Dkt. No. 504 (the “First Motion”). The First Motion requested substantially the same relief as the Second Motion. On June 18, 2024, the Court entered two orders in response to the First Motion, denying Mr. Garcia’s request for a sentence modification because he is ineligible for one. *See* Dkt. Nos. 506 and 507. The Court directed that those orders be mailed to Mr. Garcia. Dkt. No. 506.

The Court’s June 18, 2024 orders denying the relief requested in the First Motion apply equally to the relief requested in the Second Motion. For the reasons stated in them, again, Mr. Garcia is not eligible for a reduction in his sentence as a result of Amendment 821. The Second Motion is, therefore, denied.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 508, and to mail a copy of this order, together with the Court's orders filed at Dkt. No. 506 and 507, to Mr. Garcia by first class mail.

SO ORDERED.

Dated: July 9, 2024
New York, New York



GREGORY H. WOODS
United States District Judge